

House Bill 468

By: Representative Williams of the 4th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to the
2 local authorization and regulation of sales of alcoholic beverages on Sunday, so as to provide
3 that in each county or municipality in which package sales of only malt beverages and wine
4 by retailers is lawful, the governing authority of the county or municipality, as appropriate,
5 may authorize package sales by a retailer of malt beverages and wine on Sundays from 12:30
6 P.M. until 7:00 P.M., if approved by referendum; to provide that in each county or
7 municipality in which package sales of malt beverages, wine, and distilled spirits by retailers
8 are all lawful, the governing authority of the county or municipality, as appropriate, may
9 authorize package sales by a retailer of malt beverages, wine, and distilled spirits on Sundays
10 from 12:30 P.M. until 7:00 P.M., if approved by referendum; to provide procedures; to
11 provide for applicability; to provide for related matters; to repeal conflicting laws; and for
12 other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to the local
16 authorization and regulation of sales of alcoholic beverages on Sunday, is amended by
17 adding new subsections to read as follows:

18 "(p)(1) Notwithstanding other laws, in each county or municipality in which package
19 sales of malt beverages and wine by retailers is lawful, but package sales of distilled
20 spirits by retailers is not lawful, the governing authority of the county or municipality, as
21 appropriate, may authorize package sales by retailers of malt beverages and wine on
22 Sundays from 12:30 P.M. until 7:00 P.M., if such Sunday sales of both malt beverages
23 and wine are approved by referendum as provided in paragraph (2) of this subsection.

24 (2) Any governing authority desiring to permit and regulate package sales by retailers
25 of both malt beverages and wine on Sunday from 12:30 P.M. until 7:00 P.M., pursuant
26 to paragraph (1) of this subsection, shall so provide by proper resolution or ordinance.

1 Upon receipt of the resolution or ordinance, the election superintendent shall issue the
2 call for an election for the purpose of submitting the question of Sunday package sales
3 by retailers of both malt beverages and wine to the electors of that county or municipality
4 for approval or rejection. The election superintendent shall issue the call and shall
5 conduct the election on a date and in the manner authorized under Code Section
6 21-2-540. The election superintendent shall cause the date and purpose of the election
7 to be published once a week for four weeks immediately preceding the date of the
8 election in the official organ of the county. The ballot shall have written or printed
9 thereon the words:

10 '() YES Shall the governing authority of (name of county or municipality) be
11 authorized to permit and regulate package sales by retailers of both malt
12 () NO beverages and wine on Sundays from 12:30 P.M. until 7:00 P.M.?'

13 All persons desiring to vote for approval of package sales by retailers of malt beverages
14 and wine on Sundays from 12:30 P.M. until 7:00 P.M. shall vote 'Yes,' and all persons
15 desiring to vote for rejection of package sales by retailers of malt beverages and wine on
16 Sundays from 12:30 P.M. until 7:00 P.M. shall vote 'No.' If more than one-half of the
17 votes cast on the question are for approval of Sunday package sales by retailers of malt
18 beverages and wine on Sundays from 12:30 P.M. until 7:00 P.M., the resolution or
19 ordinance approving such Sunday package sales by retailers of malt beverages and wine
20 shall become effective upon the date so specified in that resolution or ordinance. The
21 expense of the election shall be borne by the county or municipality in which the election
22 is held. The election superintendent shall canvass the returns, declare the result of the
23 election, and certify the result to the Secretary of State.

24 (3) Whenever package sales of malt beverages and wine on Sundays from 12:30 P.M.
25 until 7:00 P.M. are authorized by a county or municipality pursuant to this subsection,
26 Sunday package sales by retailers of malt beverages and wine may be made only by
27 licensed retailers, licensed to sell by the package.

28 (4) The provisions of this subsection are in addition to or cumulative of and not in lieu
29 of any other provisions of this title relative to the sale of malt beverages and wine by
30 retailers.

31 (q)(1) Notwithstanding other laws, in each county or municipality in which package
32 sales of malt beverages, wine, and distilled spirits by retailers are all lawful, the
33 governing authority of the county or municipality, as appropriate, may authorize package
34 sales by retailers of malt beverages, wine, and distilled spirits on Sundays from 12:30
35 P.M. until 7:00 P.M., if such Sunday sales of malt beverages, wine, and distilled spirits
36 are approved by referendum as provided in paragraph (2) of this subsection. Pursuant to
37 this subsection, the governing authority may not seek authorization for Sunday sales of

1 only one type of alcoholic beverage, instead the governing authority must seek
2 authorization of packages sales by retailers of all alcoholic beverages, including malt
3 beverages, wine, and distilled spirits.

4 (2) Any governing authority desiring to permit and regulate package sales by retailers
5 of malt beverages, wine, and distilled spirits on Sunday from 12:30 P.M. until 7:00 P.M.,
6 pursuant to paragraph (1) of this subsection, shall so provide by proper resolution or
7 ordinance. Upon receipt of the resolution or ordinance, the election superintendent shall
8 issue the call for an election for the purpose of submitting the question of Sunday
9 package sales by retailers of malt beverages, wine, and distilled spirits to the electors of
10 that county or municipality for approval or rejection. The election superintendent shall
11 issue the call and shall conduct the election on a date and in the manner authorized under
12 Code Section 21-2-540. The election superintendent shall cause the date and purpose of
13 the election to be published once a week for four weeks immediately preceding the date
14 of the election in the official organ of the county. The ballot shall have written or printed
15 thereon the words:

16 '() YES Shall the governing authority of (name of county or municipality) be
17 authorized to permit and regulate package sales by retailers of malt
18 () NO beverages, wine, and distilled spirits on Sundays from 12:30 P.M. until 7:00
19 P.M.?'

20 All persons desiring to vote for approval of package sales by retailers of malt beverages,
21 wine, and distilled spirits on Sundays from 12:30 P.M. until 7:00 P.M. shall vote 'Yes,'
22 and all persons desiring to vote for rejection of package sales by retailers of malt
23 beverages, wine, and distilled spirits on Sundays from 12:30 P.M. until 7:00 P.M. shall
24 vote 'No.' If more than one-half of the votes cast on the question are for approval of
25 Sunday package sales by retailers of malt beverages, wine, and distilled spirits on
26 Sundays from 12:30 P.M. until 7:00 P.M., the resolution or ordinance approving such
27 Sunday package sales by retailers of malt beverages, wine, and distilled spirits shall
28 become effective upon the date so specified in that resolution or ordinance. The expense
29 of the election shall be borne by the county or municipality in which the election is held.
30 The election superintendent shall canvass the returns, declare the result of the election,
31 and certify the result to the Secretary of State.

32 (3) Whenever package sales of malt beverages, wine, and distilled spirits on Sundays
33 from 12:30 P.M. until 7:00 P.M. are authorized by a county or municipality pursuant to
34 this subsection, Sunday package sales by retailers of malt beverages, wine, and distilled
35 spirits may be made only by licensed retailers, licensed to sell by the package.

36 (4) The provisions of this subsection are in addition to or cumulative of and not in lieu
37 of any other provisions of this title relative to the sale of alcoholic beverages by retailers."

- 1 **SECTION 2.**
- 2 All laws and parts of laws in conflict with this Act are repealed.